

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

AMERICAN SELECT  
INSURANCE CO., *et al.*,

Plaintiffs,

Case No. 23-cv-11942  
Hon. Matthew F. Leitman

v.

GREAT LAKES WATER  
AUTHORITY, *et al.*,

Defendants.

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**ORDER (1) ADJOURNING SCHEDULED STATUS CONFERENCE AND  
MOTION HEARING AND (2) ADMINISTRATIVELY CLOSING  
DEFENDANTS' PENDING DISPOSITIVE MOTIONS (ECF Nos. 46, 47)**

This action arises out of a period of rainfall in June of 2021 that caused an overflow and/or backup of sewer systems in the counties of Wayne, Oakland, and Macomb, Michigan. (*See* Third Am. Compl., ECF No. 37.) Plaintiffs American Select Insurance Company, Westfield Insurance Company, and Westfield National Insurance Company claim that the backup damaged their insureds' properties and homes. (*See id.*) Plaintiffs assert a claim against Defendants Detroit Water and Sewerage Department and City of Detroit (the "Detroit Defendants") and Great Lakes Water Authority (the "GLWA") for allegedly designing, operating and maintaining a sewage disposal system that Defendants' knew to be defective. (*See id.*)

On September 3, 2024, the Detroit Defendants filed a motion to dismiss Plaintiffs' Complaint. (*See* Mot., ECF No. 46.) The GLWA filed a motion for judgment on the pleadings on September 18, 2024. (*See* Mot., ECF No. 47.) The GLWA also filed a motion to stay this action pending the outcome of parallel litigation in the Michigan Court of Appeals. (*See* Mot., ECF No. 40.)

On February 20, 2025, the Court granted the GLWA's motion to stay. (*See* Order, ECF No. 56.) The Court concluded that (1) "there is a reasonable probability that a decision by the [Michigan] Court of Appeals will clarify and simplify the issues in this case," and (2) "the Michigan Court of Appeals may well provide important guidance to this Court with respect to" some of the legal issues raised in the pending dispositive motions. (*Id.*, PageID.1142-1143.)

The Michigan Court of Appeals has not yet issued its ruling(s) in the parallel state court cases identified in this Court's stay order. Because the Court continues to believe that there is a reasonable probability that the Michigan Court of Appeals' decision(s) will clarify and simplify the issues in this case and provide important guidance to the Court, the Court **ADJOURNS** the previously-scheduled August 21, 2025, hearing on Defendants' dispositive motions. The Court also **ADJOURNS** a status conference that the Court's staff scheduled for August 19, 2025, but which had not yet been formally docketed in this case. Finally, the Court **ADMINISTRATIVELY CLOSES** the Defendants' pending dispositive motions.

The motions will be re-opened and restored to the Court's active docket once the Court holds the status conference described below.

Finally, the Court **DIRECTS** Defendants' counsel to file on the docket in this action a copy of the Michigan Court of Appeals' appellate ruling(s) in the related cases as soon as those decisions are issued. Once those decisions are docketed in this case, the Court will schedule a status conference with counsel to discuss, among other things, reinstating the dispositive motions to the active docket and a possible schedule for supplemental briefs that would discuss how, if it all, the Michigan Court of Appeals' decisions impact this action.

**IT IS SO ORDERED.**

s/Matthew F. Leitman

MATTHEW F. LEITMAN

UNITED STATES DISTRICT JUDGE

Dated: August 18, 2025

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on August 18, 2025, by electronic means and/or ordinary mail.

s/Holly A. Ryan

Case Manager

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